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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,367	04/04/2000	Paul Andrew Moskowitz	Y0R9-2000-0171(1963-4916)	5790

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NEW CANAAN, CT 06840

EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/542,367

Applicant(s)

MOSKOWITZ ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **Response to Amendment**

This is in response to an amendment file on September 9<sup>th</sup>, 2002 for letter for patent filed on April 4<sup>th</sup>, 2000 in which claims 1-67 were presented for examination. In the amendment, claims 1, 19, 22, 31, 49 and 50 have been amended. Claims 1-67 remain pending in the letter.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Patent No. 6,078,663) in view of Council (U.S. Patent No. 6,192,114).

4. As per claims 1, Yamamoto teaches an address system comprising means for monitoring information (*information providing center, 40*) sent and asynchronously received to a fee address (*communication terminal, 60*) means for determining a fee (*calculating amount*) for the information, wherein the fee is based upon a preferences record defined by a mail recipient (*see*

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*abstract, fig 4 and 7, column 11 lines 45-64, 12 lines 35-59*). Yamamoto fails to teach and inventive concept of a means for collecting the fee into a first account, means for forwarding the information to a private address; and means for transferring the collected fees to a second account. However, Council teaches an inventive concept of a means for collecting the fee into a first account, means for forwarding the information to a private address; and means for transferring the collected fees to a second account (*see abstract, figs 1 and 2, column 4 lines 8-55*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto's inventive concept to include Council's inventive concept of a means for collecting the fee into a first account, means for forwarding the information to a private address; and means for transferring the collected fees to a second account because this would have ensure that user/customer receive quality of information for the fee paid.

5. As per claim 2, Yamamoto teaches an address system wherein the second account belongs to a third party (*see abstract, fig 4 and 7, column 11 lines 45-64, 12 lines 35-59*)

6. As per claim 3, Yamamoto teaches an address system wherein the address is an electronic mail address (*see abstract, fig 4 and 7, column 11 lines 45-64, 12 lines 35-59*).

7. As per claims 4-10, 15-18, Yamamoto teaches an address system wherein the fees are escalating based upon number of usages, and conditional, a combination of fixed, variable and conditional for different senders, is waived for a sender, is based upon the urgency of the information, are selected from the group consisting of fixed, variable or conditional, and based

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on the size of the information based on word count, number of bits, and also fee varies for different sender and wherein the mail recipient elects to impose a fee (*see abstract, fig 4 and 7, column 11 lines 45-64, 12 lines 35-59*).

8. As per claims 11-14, Yamamoto teaches an address system wherein third party is a charity organization, a company, an individual, a firm (*see abstract, fig 4 and 7, column 11 lines 45-64, 12 lines 35-59*).

9. As per claims 19-67, they disclose the same inventive concept as claims 1-14. Therefore, they are rejected under the same rationale.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

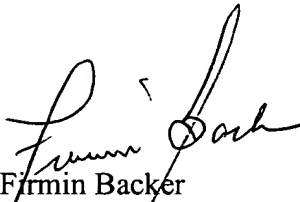
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Firmin Backer  
October 30, 2002

  
JAMES P. TRAMMEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600